IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 684/2007

SITARAM & ANR.
Vs.
ADDITIONAL CIVIL JUDGE (JD), JAIPUR WEST & ANR..

DATE: 06.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. M.M. Ranjan for the petitioners.

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None appeared for the respondents despite service.

This writ petition is directed against the order dated 14.11.2006 passed by the Additional Civil Judge (JD), Jaipur West, Jaipur, whereby the application filed by the petitioners-plaintiffs under Section 151 CPC has been rejected as the evidence of Sitamram and Deendayal has been closed as they have not availed the opportunity provided by the Court below and the application for recalling the order dated 19.05.2005 has also been rejected.

This Court vide order dated 02.02.2007 stayed the further proceedings before the trial Court.

Having heard learned counsel for the petitioner and upon careful perusal of the impugned order dated 14.11.2006 passed by the Court below, it is no doubt that the suit is pending since 1998 and the evidence is also closed on 19.05.2005.

In the interest of justice, I deem it proper to provide one chance to the petitioners-plaintiffs subject to condition that the petitioners shall pay cost of Rs. 2,000/- and upon paying the cost of Rs. 2,000/-, shall produce the witnesses Sitaram and Deendayal for cross examination on the next date fixed by the trial Court, failing which the impugned order dated 14.11.2006 shall remain in force.

With these observations, the writ petition stands disposed of.

The interim order dated 02.02.2007 granted by this Court is hereby quashed and set-aside and the Court below is at liberty to proceed further.

(K.S. RATHORE),J.

/KKC/